

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2012-146799-001 DT

03/28/2013

HONORABLE JEANNE GARCIA

CLERK OF THE COURT
M. Hovorka
Deputy

STATE OF ARIZONA

STEVEN M BONAGUIDI

v.

XAVIER DANIEL MARTINEZ (001)
DOB: 03/12/1991

KISSANDRA L TYSMAN

APO-SENTENCE IMPRISON-CCC
APPEALS-CCC
AZ DOC
AZ DOC - INMATE TRUST ACCOUNTS
DISPOSITION CLERK-CSC
RFR

SENTENCE OF IMPRISONMENT

9:11 a.m.

Courtroom 804 - Central Court Building

State's Attorney:	Krystal Garza on behalf of Steven M Bonaguidi
Defendant's Attorney:	Mark Benson on behalf of Kissandra L. Tysman
Defendant:	Present
Court Reporter:	Helene Paustian

LET THE RECORD REFLECT that Defendant's fiancé (Thalio Ramero) and Defendant's mother (Maryann Estrada) address the Court on behalf of the Defendant.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

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IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 Attempted Robbery
Class 5 Repetitive Felony with one historical prior felony conviction
A.R.S. § 13-1902, 13-1901, 13-1001, 13-701, 13-702, 13-703, 13-610, and 13-801
Date of Offense: September 4, 2012
Non Dangerous - Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 2.5 year(s) from March 28, 2013
Presentence Incarceration Credit: 66 day(s)

More Than Presumptive

Pursuant to A.R.S. § 13-703 or 13-704, the Court finds that the Defendant has been convicted of the following prior felony offenses:

Misconduct Involving Weapons, a class 4 felony committed on April 29, 2010 and convicted on February 7, 2011 in Maricopa County Superior Court case CR10-122415-001.

The Defendant was represented by counsel.

The Court will retain jurisdiction over restitution. No hearing is set at this time. In the event a restitution hearing is set, Defendant waives his presence.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 1 - Waived pursuant to A.R.S. § 13-603(K), due to the term of probation in CR2009-166286-002.

In the event the Defendant is released by the Department of Corrections on a temporary release basis, and a term of Community Supervision has been waived, the length of probation shall be extended to include the time of Defendant's temporary release, pursuant to A.R.S. §13-901(B).

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IT IS ORDERED granting the Motion to Dismiss the following: The allegation of additional historical prior felony convictions and offense committed while on felony probation.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under this cause number.

IT IS FUTHER ORDERED Defendant shall have no contact with the victim.

9:36 a.m. Matter concludes.

LATER:

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$20.00.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JEANNE GARCIA
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)